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ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA
BY Yuk DEPUTYIN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

JOHNNY D. HELVEY,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

No. CIV-10-358-W

ORDER

On April 4, 2011, United States Magistrate Judge Shon T. Erwin issued his Findings and Recommendation in this case and recommended that the decision of defendant Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Johnny D. Helvey be affirmed. Helvey was advised of his right to file written objections to the Report and Recommendation, but he did not file any objections within the time allotted.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of this matter. The Commissioner based his decision on substantial evidence as required by Casias v. Secretary of Health & Human Services, 933 F.2d 799 (10th Cir. 1991), and he applied the correct legal standards.

Accordingly, the Court

- (1) ADOPTS the Findings and Recommendation [Doc. 20] issued on April 4, 2011;
- (2) AFFIRMS the Commissioner's decision to deny Helvey's Application for Disability Insurance Benefits; and

(3) ORDERS that judgment in favor of the Commissioner issue forthwith.

ENTERED this 2nd day of May, 2011.



LEE R. WEST
UNITED STATES DISTRICT JUDGE